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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/564,932

01/13/2006

Frank Theobald

03/058 LTSBOE

4048

7590

09/01/2009

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EXAMINER

RAO, SAVITHA M

ART UNIT

PAPER NUMBER

1614

MAIL DATE

DELIVERY MODE

09/01/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<p align="center"><b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b></p>	<b>Application No.</b> 10/564,932	<b>Applicant(s)</b> THEOBALD ET AL.	
	<b>Examiner</b> SAVITHA RAO	<b>Art Unit</b> 1614	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 24 June 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.  
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
 (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b) ☒ They raise the issue of new matter (see NOTE below);  
 (c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
 5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
 6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
 The status of the claim(s) is (or will be) as follows:  
 Claim(s) allowed: \_\_\_\_\_.  
 Claim(s) objected to: \_\_\_\_\_.  
 Claim(s) rejected: 1-3,6-12 and 14-18.  
 Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
 13. ☒ Other: the IDS submitted on 06/26/2009 is not entered since it is after final submission and The information disclosure statement filed fails to comply with 37 CFR 1.97(d) because it lacks a statement as specified in 37 CFR 1.97(e). It has been placed in the application file, but the information referred to therein has not been considered.

/Ardin Marschel/  
Supervisory Patent Examiner, Art Unit 1614

/SAVITHA RAO/  
Examiner, Art Unit 1614

Continuation of 3. NOTE: The amended claims 1 submitted on 06/24/2009 adds new limitations that ultimately change claim scope and would require new searching and new rejections. Specifically, the newly added limitations "...disposed on the backing layer..." in line 3-4 of the claim, new limitation of the weight of the active ingredient preamipexol in the proportion of ... "25 to less than 75% by weight....." in lines 7-8 of the claim and new limitation of "... second active ingredient containing polymer layer disposed on..... by weight" in lines 9-14 of the claim. The amended claim 16 submitted on 06/24/2009 adds new limitation that ultimately changes the claim scope and would require new searching and new rejections. Specifically, the newly added limitations "... and the pressure sensitive adhesive..... dispersion" in lines 3-4 of claim 16. The amended claim 18 submitted on 06/24/2009 adds new limitation that ultimately changes the claim scope and would require new searching and new rejections. Specifically, the newly added limitations "...and said system has no additional pressure sensitive top plaster" in the last two lines of claim 18.

Claim 18 contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 18 recites "... and said system has no additional pressure sensitive top plaster" in the last two lines of the claim. The disclosure as filed and the noted supporting lines on page 9, paragraph 1 of the "Applicants's arguments and remarks" fails to indicate the absence of the additional pressure sensitive top plaster as claimed in the penultimate and last line of the claim. Accordingly, claim 18 raises new matter issues.

Continuation of 11. Does NOT place the application in condition for allowance because: The amended claims 1 submitted on 06/24/2009 adds new limitations that ultimately change claim scope and would require new searching and new rejections. Specifically, the newly added limitations "...disposed on the backing layer..." in line 3-4 of the claim, new limitation of the weight of the active ingredient preamipexol in the proportion of ... "25 to less than 75% by weight....." in lines 7-8 of the claim and new limitation of "... second active ingredient containing polymer layer disposed on..... by weight" in lines 9-14 of the claim. The amended claim 16 submitted on 06/24/2009 adds new limitation that ultimately changes the claim scope and would require new searching and new rejections. Specifically, the newly added limitations "... and the pressure sensitive adhesive..... dispersion" in lines 3-4 of claim 16. The amended claim 18 submitted on 06/24/2009 adds new limitation that ultimately changes the claim scope and would require new searching and new rejections. Specifically, the newly added limitations "...and said system has no additional pressure sensitive top plaster" in the last two lines of claim 18., In addition the newly added limitations in claim 18 raises new matter issues as noted above.

Applicants arguments in response to the final rejection mailed on 03/02/2009 has been considered but are deemed unpersuasive. Not considering the newly amended claims 1, 16 and 18 set forth in the response of 06/24/2009 it will not be entered into the record, none of the arguments presented by the Applicant has been found to be persuasive because they are directed to the proposed amended claims The IDS submitted